

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 14, 2005

Regulation Package #0803-18

CDSS MANUAL LETTER NO. CCL-05-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 9, ADOPTION AGENCIES

Regulation Package #0803-18**Effective 6/8/05****Sections 89119 and 89182**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/AdoptionAg_622.htm.

These regulations will give licensing staff the express authority to copy client or facility records, and to remove them if necessary for copying. The existing regulations do not consistently permit the copying of client or facility records, which has been a hindrance to the licensing program. For example, one licensee of a facility being investigated refused even to let licensing staff hand-copy portions of facility files because the regulations did not clearly state that licensing staff could copy those files.

These regulations will correct the situations described above. They delineate and amplify the licensing program's authority to inspect, audit, and copy client or facility records upon demand during normal business hours; and to remove them if necessary for copying. At the same time, the regulations contain safeguards that prohibit the removal of emergency or health-related information (unless other copies of those documents are available) and establish standards for the safe removal and timely return of records to facilities. They cut across facility categories and apply to all licensed adult and elderly community care facilities, children's residential community care facilities, and child day care facilities. These regulations will ensure that CDSS has reasonable access to information in order to be able to better evaluate facilities, investigate complaints, and protect the health and safety of clients in care.

These regulations were considered at the Department's public hearing held on June 16, 2004.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-05. The latest prior manual letter containing Adoption Agencies regulation changes was Manual Letter No. CCL-04-06.

Page(s)**Replace(s) Page(s)**11 and 12
2311 and 12
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Attachments

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89113 BOARD MEMBERSHIP -- PRIVATE ADOPTION AGENCIES**89113**

- (a) Board members shall be selected on the basis of demonstrated interest in the welfare of children and adults, a concern for social conditions in the community and sufficient time to discharge their obligations as Board members. They shall also be persons representative of the community in which the agency operates. The Board shall include in its membership persons representing a variety of interests, talents and professions to insure different points of view. Membership shall be so arranged that no single interest group or profession shall have a controlling vote.
- (b) Board members shall serve without compensation but may be reimbursed for expenses. No Board member shall profit financially by reason of his membership nor be employed by the agency regularly either full-time or part-time.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

89116 ELECTION OF BOARD MEMBERS -- PRIVATE ADOPTION AGENCIES**89116**

Members shall be elected by the supporting membership or by a representative body for a definite term of office, with expiration of terms so arranged that a rotating Board results. Provision shall be made for the replacement of members who become inactive for a protracted period of time.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

89119 BOARD MEETINGS -- PRIVATE ADOPTION AGENCIES**89119**

- (a) Minutes shall be kept of Board meetings and shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
 - (1) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the executive director or designee.
 - (2) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, and 1531, Health and Safety Code.

89122 DUTIES AND FUNCTIONS OF THE BOARD-- PRIVATE ADOPTION AGENCIES 89122

- (a) The Board shall formally adopt a written statement of the responsibilities to which the members agree. These shall include:
- (1) Accountability to the community for adequate services to the persons under care.
 - (2) Interpretation of services of the agency to the community, and needs of the community to the staff of the agency.
 - (3) Establishment of the policies to be followed by the agency.
 - (4) Exercises of trusteeship for property and investments.
 - (5) Approval of the budget and responsibility for obtaining and receiving adequate funds.
 - (6) Employment of a well-qualified executive director for that agency, and delegation to the executive director of responsibility for administration and employment of other staff members.
 - (7) Maintenance of an informed, alert and interested membership.
 - (8) Maintenance of a full membership.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

89125 COMMITTEES OF THE BOARD -- PRIVATE ADOPTION AGENCIES 89125

Provision shall be made for the appointment of standing committees and such temporary or special committees as are needed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, 1530 and 1531, Health and Safety Code.

89182 CONTENT OF CASE RECORD**89182**

- (a) Each adoption agency shall maintain a case record for each family unit or individual served in its program.
- (b) Each case record shall include:
 - (1) A face sheet or application form.
 - (2) A typewritten record of the study.
 - (3) Medical and other reports.
 - (4) Correspondence.
 - (5) Applicable legal documents.
 - (6) Verifications.
 - (7) Evaluation of findings.
 - (8) Decisions reached.
 - (9) Actions taken.
 - (10) Court Reports.
- (c) All information in case records shall be confidential. Adoption records shall be available only to authorized adoption agency personnel; and to the licensing agency as specified in Section 89182(d).
- (d) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the executive director or designee.
 - (2) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1505, 1506, 1520, and 1531, Health and Safety Code.

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